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SUBJECT: JUDGE FINES EDITOR FOR INVASION OF PRIVACY,  
DEFAMATION; PAPER REMAINS OPEN

REF: A. 09 KIGALI 1505

[B](#). 08 KIGALI 1323

[C](#). 07 KIGALI 142

Classified By: Ambassador W. Stuart Symington for reasons 1.4 (b) (d)

[1](#)1. (SBU) SUMMARY: On November 13 a judge found John Bosco Gasasira, the editor/journalist of a local newspaper, guilty of invasion of privacy and defamation, fined him \$2,200 dollars and awarded costs and damages of \$4,800. The sentence allayed Gasasira's supporters' earlier concerns that he might be sentenced to prison time or have his paper closed. Gasasira has 15 days to decide whether to appeal the decision. The judge found that Gasasira had unlawfully publicized an alleged extramarital affair. During his trial, the editor, his lead defense attorney, and the Committee to Protect Journalists (CPJ) claimed numerous irregularities including improper contact between the prosecutor in the case and the judge. END SUMMARY.

[1](#)2. (C) In August the state charged Gasasira, editor of the independent Kinyarwanda-language newspaper Umuvugizi, with defamation, insult, and invasion of privacy for having published in July two articles, one on an alleged affair between state prosecutor John Bosco Mutangana and Diana Gashumba, director of a Kigali hospital, the other on the arrest of three journalists accused of attempted blackmail over the alleged affair. (Note: There are frequent, and in at least one recent case unrelated to Gasasira, absolutely credible allegations of attempted blackmail by journalists in Rwanda. End Note)

[1](#)3. (C) The trial lasted from October 21-26. Before it began, the CPJ wrote the Minister of Justice, claiming the case had from the start been fraught with state interference and irregularities. For example, the CPJ claimed that the state did not adhere to normal procedures in assigning the prosecutor to this particular case and that the Minister of Communications knew about the complaint before it was filed. One of Gasasira's three lawyers protested that he had seen the prosecutor talking privately with the judge. Later, when that lawyer requested a delay so that he could attend to other business outside the country, the judge denied the request and Gasasira and his other two lawyers boycotted the final day of the trial. The lawyers also resigned in protest. When emboffs met privately with Gasasira, he also asserted that he had been followed by security personnel since the beginning of the trial.

[1](#)4. (SBU) On November 13, the judge ordered Gasasira to pay several fines (approximated in US\$): \$2000 in damages to each of the two plaintiffs, \$2000 for the crime of invasion of privacy, \$20 for the crime of defamation, \$800 in legal fees for the plaintiffs' lawyers, and \$62 in other court fees.

The judge did not sentence Gasasira to jail or order his newspaper to shut down. (Note: The prosecution had asked for 26 months' imprisonment, \$200,000 in compensation for the plaintiffs, and the permanent closure of Umuvugizi newspaper. End Note.) Gasasira has 15 days to appeal the decision.

¶5. (C) COMMENT: Gasasira is a former military intelligence officer linked personally to senior Rwanda Patriotic Front and military leaders, whom observers credit with providing him some political protection. A political gadfly, his irregularly published newspaper is often sensationalist. He has faced charges of libel in the past and, in 2007, three assailants beat him badly after he published articles highly critical of government officials. (Refs B and C). (Note: Authorities later convicted one person for the assault and, reportedly, very senior GOR officials visited him in the hospital while he was recovering. End Note.)

¶6. (C) The \$2000 fines assessed against Gasasira for damages and for the crime of invasion of privacy were far less than the prosecutor sought. The ruling allayed widely publicized fears by Gasasira supporters that he might be imprisoned or see his paper shuttered. The fines were, however, significant amounts in this poor country. By contrast, the \$20 fine for defamation was symbolic, perhaps reflecting that even the judge--who ruled that the alleged affair had not been proven--had some doubts. (It is widely believed that the alleged affair took place and truth is a defense to a charge of defamation involving a public official.) END COMMENT  
SYMINGTON